

02-03-06

DAC  
JWEXPRESS MAIL NO. EV 739992819US  
Docket No.: A-69479 (468914-22)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First

Named

Inventor: **Robert S. HOREN, et al.**Appln. No.: **09/916,655**Filing Date: **July 27, 2001**

Title:

**SYSTEM AND METHOD FOR  
IMPROVED UTILIZATION OF  
BANDWIDTH IN A COMPUTER  
SYSTEM SERVING MULTIPLE  
USERS**Examiner: **Tran, Nghi V.**Group Art Unit: **2151**Confirmation No.: **8491**Date: **February 1, 2006**Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

02/06/2006 TBESHAH1 00000015 09916655

01 FC:2453

750.00 DP

**PETITION FOR REVIVAL OF AN APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

Sir:

This Petition is in response to the Final Office Action mailed on 19 July 2005 and the Advisory Action mailed on 28 December 2005 indicating that the proposed amendments mailed on 21 November 2005 were not entered because they raise new issues that would require further consideration and/or search. Applicant had filed a response to the Final Office Action of 19 July 2005 on Monday 21 November 2005 with a Petition for Extension of time with an expectation that the application would be allowed; however, due to a law office move and delays in receiving mail applicant did not timely receive the Advisory Action and the application became abandoned due to Applicant's failure to timely file to the Final Rejection and Advisory Action mailed on 28 December 2005. The six-month statutory period would have expired with a maximum three-month extension of time on 19 January 2006.

Applicant is Petitioning for Revival so that a Request for Continued Examination (RCE) with the response that is required for the RCE may be considered.

Our check in the amount of \$750.00 is enclosed to pay the fee for filing a petition to revive unintentionally abandoned application (\$750.00 - Small Entity - 37 CFR §1.17(m)).

In response to the Advisory Action mailed December 28, 2005, Applicants enclose herewith a Request For Continued Examination (RCE) and fees, and further including a request that the Amendment and Response mailed by Applicant on Monday 21 November 2005 be entered and considered.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Accordingly, Applicants hereby petition for revival of the above-identified application for patent due to the unintentional abandonment of the application under 37 CFR § 1.137(b).

### CONCLUSION

Applicants respectfully request consideration of this Petition for Revival of Application for Patent under 37 CFR 1.137(b).

The Commissioner is authorized to charge any additional fees that may be due as a result of filing this amendment, including any fees for Petition for Extensions of time that are required but have not been paid, or other fees that have not been separately paid, to Deposit Account 50-2319 (Order No. A-69479 (468914-22)).

Please direct any calls in connection with this application to the undersigned at (650) 494-8700.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: February 1, 2006

By:   
R. Michael Ananian  
Reg. No. 35,050

Customer No. 32940  
555 California Street, Suite 1000  
San Francisco, CA 94104-1513  
Telephone: (650) 857-1717  
Facsimile: (650) 857-1288

Effective on 12/08/04

# **PIPE FEE TRANSMITTAL SHEET (FY 2006)**

FEB 01 2006

**Complete if Known**

Application No.	09/916,655
Filing Date	July 27, 2001
First Inventor	Robert S. HOREN
Group Art Unit	2151
Examiner Name	Tran, Nghi V.
Atty. Docket Number	A-69479 (468914-22)

☒ Applicant claims full entity status (see 37 C.F.R. 1.27)**METHOD OF PAYMENT (Check One)**☒ Check ☐ Credit Card ☐ Money Order☐ Deposit Account No.: 50-2319Deposit Account Name: **DORSEY & WHITNEY LLP**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17☒ Credit any overpayments☐ Other (please identify):**Extra Claim Fees**

Current Claims	Prior	Extra	Fee	Fee Paid
Total	-	= 5	x \$	= \$
Ind.	-	= 0	x \$	= \$
Multiple Dependent Claims	-	x \$	= \$	
<b>Total (Extra Claims)</b>				<b>\$</b>

**Petition Fee Under 37 CFR 1.17(f), (g), & (h)**

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ Petition Fee under 37 CFR 1.17(f) **Fee \$400**
- § 1.53(e) to accord a filing date.
- § 1.57(a) to accord a filing date.
- § 1.182 for decision on a question not provided for.
- § 1.183 to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
- § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.
- ☐ Petition Fee under 37 CFR 1.17(g) **Fee \$200**
- § 1.12 for access to an assignment record.
- § 1.14 for access to an application.
- § 1.47 for filing by other than all inventors or person not the inventor.
- § 1.59 for expungement of information.
- § 1.103(a) to suspend action in an application.
- § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.
- § 1.295 for review of refusal to publish a statutory invention registration.
- § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
- § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
- § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
- § 5.12 for expedited handling of foreign filing license.
- § 5.15 for changing the scope of a license.
- § 1.5.25 for retroactive license.
- ☐ Petition Fee under 37 CFR 1.17(h) **Fee \$130**
- § 1.19(g) to request documents in a form other than provided in this part.
- § 1.84 for accepting color drawings or photographs.
- § 1.91 for entry of a model or exhibit.
- § 1.102(d) to make an application special.
- § 1.138(c) to expressly abandon an application to avoid publication.
- § 1.313 to withdraw an application from issue.
- § 1.314 to defer issuance of a patent.

**FEE CALCULATION (Continued)****3. ADDITIONAL FEES**

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	750
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	

OTHER FEE (specify)

**Subtotal (Additional Fees)****Total Amount of Payment: 750**

Submitted by:

CUSTOMER NUMBER  
**32940**

DORSEY &amp; WHITNEY LLP

555 California Street, Suite 1000  
San Francisco, CA 94104-1513Name: **R. Michael Aranian**Phone No.: **650-857-1717**Fax No.: **650-857-1288**

Signature:

*R. Michael Aranian*Reg. No.: **35,050**Date: **February 1, 2006**